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6 Attorneys for Defendants RE/MAX REALTY
7 and JUDY ASHTON

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 * * * *

11 JUDY KROSHUS, PATRICIA REINSMA, BERT
12 REINSMA, DENNIS MORELLI, MARCIA
MORELLI, W.R. WARN, ROLAIN WERN,
13 RICHARD MEPPEN, DOUGLAS DAVIS,
RAMONA DAVIS, JAMES CRUTCHER,
14 BRANDY CRUTCHER, WESLEY McKNIGHT,
KATHY McKNIGHT, DAVID STEPHAN, LINDA
15 STEPHAN, PATRICK DOYLE, LORI DOYLE,
TOM W. COOK II, KATHLEEN M. COOK,
16 WILLIAM K. DAVIS, DIANE R. DAVIS,
MICHAEL JONES, KILITA JONES, MANFRED
17 JURGEIT, JEANIE JURGEIT, ESTHER LEVINE,
CRISTINA PEREZ, H. LANE ROSE II, DEBORAH
18 SUE ROSE, MICHAEL TEETER, BRUCE E.
NAGEL, JEANNETTE M. NAGEL, WILLIAM
19 ADAMSON, SHARON ADAMSON, DARYL R.
GROVER, JR., BARBARA SPECCHIO, JOSEPH
20 SPECCHIO, WESLEY STALIONS, MISTY
STALIONS, RUSSELL LANCE PUCKETT,
21 JEREMY GOTTLIEB, AMANDA BAILIE,
THOMAS W. BAILIE, JR., MELISSA NEFF,
22 JOSEPH NEFF, DAVID M. TRIPP, VIRGINIA
TRIPP, EVERETT A. CIRJO, JOHN E. DOHM,
23 DONNA L. DOHM, ADRIAN NORIEGA, MARY
NORIEGA, MELANIE McADAM, HILLARY
24 McADAM, ROBERT McADAM, STEVIE
STAUBS, RANDALL STAUBS, RHONDA
25 SHIELDS, DAVID SHIELDS, TRAVIS
PATTERSON, JENNIFER PATTERSON, DAVID
26 C. MARSHALL, STEVE BRONAUGH, JENNIFER
BRONAUGH, JIMMIE REED, TERESA REED,
27 MICHAEL A. HUMPHREY, PAMELA MARY
DOERR, DEREK TAYLOR, JENNIFER TAYLOR,
28 ANGELA DANIEL, WILLIAM T. DANIEL, JOHN
LINDENMEIER, LEO LINDENMEIER, NANCY

CASE NO. 3:08-cv-00246

ORDER GRANTING
DEFENDANTS RE/MAX
REALTY PROFESSIONALS
AND JUDY ASHTON'S MOTION
FOR GOOD FAITH
DETERMINATION

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LINDENMEIER, EDWARD J. STEVENS,
 CONNIE J. STEVENS, ROSEMARY HIGGINS,
 JANET CHAPMAN, SCOTT CHAPMAN, JUSTIN
 KNOX, CHERIE KNOX, DAN LAWSON,
 LORRAINE LAWSON, BRANDON KNAPP,
 TRACY KNAPP, LESLIE LEVERETT, CHARLES
 TANG CHAL YANG PRESNELL, LEROY MARX,
 JASON E. MARICH, GARY R. MEIKLE,
 CARMEN MEIKLE, KRISTOPHER BROWN,
 ANNETTE BROWN, JOHN CAULK,
 MARTINIQUE CAULK, KIM JAMES, DEBORAH
 SUE ROSE, JENNIFER VAUGHAN, WARREN
 GRAY, BARBARA GRAY, JULIE LANE, and
 BARBARA WILSON, on behalf of themselves and
 all other persons similarly situated,

Plaintiffs,

v.

UNITED STATES OF AMERICA, DEPARTMENT
 OF THE INTERIOR through its BUREAU OF
 RECLAMATION, MID-PACIFIC REGION,
 CARSON CITY OFFICE, DIRK KEMPTHORNE,
 Secretary of the Interior, ELIZABETH RIEKE,
 Director of the Carson City Office of the Bureau of
 Reclamation, TRUCKEE-CARSON IRRIGATION
 DISTRICT, DAVID P. OVERVOLD, GARY
 STONE, TRUCKEE RIVER FEDERAL WATER
 MASTER, CITY OF FERNLEY, COUNTY OF
 LYON, CHRH, LTD., GARY HUTCHINGS,
 RICHARD HUTCHINGS, C.A.L. INVESTMENT
 PROPERTIES, KING CONSTRUCTION, CAL
 EILRICH, DINAH EILRICH, GREATER NEVADA
 BUILDERS, STEVEN F. CAMPOY, ALTMAN-
 OTT HOMES, KEYSTONE REALTY, REMAX
 REALTY, JUDY ASHTON, DAN ANDERSON, LL
 REALTY, COLDWELL BANKER, DOES I-X,
 inclusive, and BLACK and WHITE COMPANIES I-
 X,

Defendants.

Defendants Realty Professionals, Inc. doing business as RE/MAX Realty Professionals
 ("RE/MAX Realty Professionals") and Judy Ashton's ("Ashton") (collectively "RE/MAX Realty
 Professionals Defendants") Motion for Good Faith Determination having come on for hearing on
 the 29th day of July, 2011, Zachary J. Thompson, Esq. of the law firm OLSON, CANNON,
 GORMLEY & DESRUISSEAU appearing on behalf of the RE/MAX Realty Professionals

1 Defendants, and Robert Maddox of the law firm of MADDOX & ASSOCIATES, Calvin R.X.
 2 Dunlap, of the firm of DUNLAP & LAXALT, Eugene Levery, LEVERTY & ASSOCIATES,
 3 Robert Hager of the firm HAGER & HEARNE, and Lee Hotchkins, Esq. appearing on behalf of
 4 the Plaintiff class, and the Court having considered the papers and pleadings on file herein, and
 5 having heard oral argument,

6 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

7 1. The Court has considered the factors discussed in *Velsicol Chemical Corp. v.*
 8 *Davidson*, 107 Nev. 356, 811 P.2d 561 (1991).

9 2. The Court has considered the factors discussed in *The Doctors Co. v. Vincent*, 120
 10 Nev. 644, 652, 98 P.3d 681, 687 (2004).

11 3. The Court has considered the factors discussed in *MGM Grand Hotel Fire*, 570
 12 F.Supp. 913 (D.Nev. 1983).

13 4. The Court has considered the settlement amount of \$12,000 between Plaintiffs
 14 and the RE/MAX Realty Professionals Defendants, which is to be paid from insurance funds.
 15 The Court finds that the settlement amount is reasonable and sufficient.

16 5. The Court has considered the damages claimed by Plaintiffs, and it has considered
 17 the risks of proceeding on both sides. The Court finds that there is a strong potential that
 18 RE/MAX Realty Professionals and Ashton would be able to prevail against the Plaintiffs' claims
 19 pursuant to NRS Chapter 645.

20 6. The Court has considered whether there was collusion or fraud relating to the
 21 settlement. The Court finds that there was no collusion or fraud relating to the settlement
 22 between Plaintiffs and RE/MAX Realty Professionals. The settlement amount was arrived at
 23 through arms length negotiations.

24 7. The Court has considered the financial condition of the settling defendants and the
 25 insurance coverage of the settling defendants. RE/MAX Realty Professionals is a defunct
 26 Nevada corporation. The entity is insured, and the insurance is sufficient to cover the settlement.
 27 The Court finds the settlement amount reasonable and sufficient in light of the insurance
 28 coverage.

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1 8. The Court has considered the strength and weaknesses of potential contribution
2 and indemnity claims. The Court holds that the RE/MAX Realty Professionals Defendants
3 would be able to show that they did not have active fault. The Court finds that potential claims
4 for contribution and equitable indemnity do not weigh in favor of denying good faith.

5 9. The settlement agreement between Plaintiffs and the RE/MAX Realty
6 Professionals Defendants satisfies the factors set forth in *Velsicol Chemical Corp. v. Davidson*,
7 107 Nev. 356, 811 P.2d 561 (1991), *The Doctors Co. v. Vincent*, 120 Nev. 644, 652, 98 P.3d 681,
8 687 (2004), and *MGM Grand Hotel Fire*, 570 F.Supp. 913 (D.Nev. 1983).

9 10. The settlement agreement between Plaintiffs and the RE/MAX Realty
10 Professionals Defendants was entered into in good faith.

11 11. No opposition, written or oral, was received to RE/MAX Realty Professionals
12 Defendants' Motion for Good Faith Determination.

13 12. The RE/MAX Realty Professionals Defendants' Motion for Good Faith
14 Determination is hereby granted in its entirety.

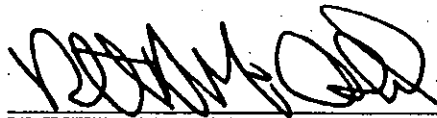
15 13. All claims, whether known or unknown, against RE/MAX Realty Professionals
16 Defendants for contribution and/or equitable indemnity are hereby extinguished pursuant to NRS
17 17.245.

18 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

19 1. RE/MAX Realty Professionals and Judy Ashton's Motion for Good Faith
20 Determination is hereby granted, each party to bear their own attorneys' fees and costs;

21 2. All claims, whether known or unknown, against RE/MAX Realty Professionals
22 and Judy Ashton for contribution and/or equitable indemnity are hereby extinguished.

23 DATED this _ 15th _ day of November, 2011.

24 

25 UNITED STATES MAGISTRATE JUDGE
26
27
28

1 SUBMITTED BY:

2 OLSON, CANNON, GORMLEY &
3 DESRUISSEAU

4 By

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6 ZACHARY J. THOMPSON, ESQ.
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8 Attorneys for Defendants RE/MAX REALTY
and JUDY ASHTON
9

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